

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 14, 2005

DIVISION TWO

B163115 The Oakland Raiders
v.
National Football League
Paul Tagliabue, et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION THREE

B176698 People (Not for Publication)
v.
Estrada

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B177391 People (Not for Publication)
v.
Deville

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B173511 MacDonald (Not for Publication)
v.
MacDonald

The order is affirmed.

Curry, J.

We concur: Hastings, Acting P.J.
Grimes, J. (Assigned)

B175159 Lee (Not for Publication)
v.
Equitable Medical Properties, LLC, et al.

The order is affirmed.

Curry, J.

We concur: Hastings, Acting P.J.
Grimes, J. (Assigned)

B175599 People (Not for Publication)
v.
Moghim

The judgment is affirmed.

Grimes, J. (Assigned)

We concur: Epstein, P.J.
Hastings, J.

March 14, 2005 (Continued)

DIVISION FIVE

B176467 People (Not for Publication)
v.
Ubaldo Martinez

The judgment is affirmed.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J. (Assigned)

B167731 Marcus Prajogi et al.
v.
Mark Udem et al.

Filed order vacating submission order of December 7, 2004. Number of cases submitted in the prior 90 days; the complexity of several of those cases; and the number of vacant staff positions in Division Five. Cause resubmitted.

DIVISION SIX

B174140 People (Not for Publication)
v.
Robinson

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

March 14, 2005 (Continued)

DIVISION SIX (Continued)

B173254 Tejada, et al. (Not for Publication)
v.
Taylor, et al.

The award of punitive damages is vacated. The matter is remanded for a new trial solely on the issue of punitive damages consistent with the views expressed in this opinion. In all other respects, the judgment is affirmed. The parties shall pay their own costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

(Not for Publication)

B176444 Santa Barbara County Child Welfare Services
v.
John C.

The order terminating parental rights is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan

(Not for Publication)

B177333 Santa Barbara Child Protective Services
v.
Michelle H.

The order of April 6, 2004 terminating the parental rights of Michelle H. is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (Continued)

B172831 Bolour (Not for Publication)

v.

Aquatics Dive Locker, et al.

The trial court's denial of all expert witness costs to Aqua Lung was arbitrary and an abuse of discretion. Accordingly, the November 14, 2003 order awarding costs is reversed with respect to appellants Aqua Lung, Inc. and Sea Quest, Inc. The matter is remanded for an award to appellants of reasonable expert witness fees. In addition, appellants shall recover their reasonable costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

B176279 People (Not for Publication)

v.

Flowers

The judgment is modified by striking the \$1000 restitution fine. The \$200 restitution fine originally imposed as a condition of probation remains in force. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and to transmit a certified copy to the Department of Corrections.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION EIGHT

(Not for Publication)

B172913 Village Northridge Homeowners Association
v.
State Farm Fire & Casualty Company

The judgment is reversed and the cause is remanded to the trial court with instructions to vacate its order granting State Farm's motion for summary judgment and to enter a new order denying the motion. The Association is to recover its costs on appeal.

Boland, J.

We concur: Rubin, Acting -+P.J.
Flier, J.

B168295 People (Not for Publication)
v.
Thomas

The judgment is affirmed.

Boland, J.

We concur: Rubin, Acting -+P.J.
Flier, J.